

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BINYAMIN EL,

Plaintiff,

vs.

TRICIA GRIFFITH, Private and  
Corporate;

Defendant.

**8:18CV325**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion to Dismiss, which the court construes as a motion for voluntary dismissal pursuant to [Federal Rule of Civil Procedure 41\(a\)](#)." ([Filing No. 9](#).) Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the court to dismiss this action and the Defendant has not been served with process. Accordingly,

IT IS ORDERED that:

1. Plaintiff's request for dismissal of this action ([filing no. 9](#)) is granted. This matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 30th day of August, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge